

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	Case No. 1-20-CR-142
	:	
Plaintiff	:	Hon. Douglas R. Cole
	:	
vs.	:	
	:	
ALEXANDER SITTENFELD	:	MOTION TO UNSEAL
a/k/a “P.G. Sittenfeld,	:	TRANSCRIPT OF VOIR DIRE
	:	
Defendant.	:	

The Cincinnati Enquirer, a division of Gannett GP Media, Inc. (“the Enquirer”) moves this court for an order unsealing the trial transcript containing the voir dire proceeding.

MEMORANDUM IN SUPPORT

The United States Supreme Court has held that the right to attend criminal proceedings “is implicit in the guarantees of the First Amendment.” *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 556 (1980). This First Amendment right of public access extends to pretrial proceedings as well as documents filed in connection with those proceedings. *See, Application of Nat’l Broad. Co., Inc.*, 828 F.2d 340 (6th Cir. 1987).

This right of access, however, is not absolute and may be overcome “only by an overriding interest based on findings that closure is essential to preserve higher values and is narrowly tailored to serve that interest.” *Press Enterprise Co. v. Superior Court*, 464 U.S. 501, 508-10 (1984). The trial court must clearly articulate the interest to be protected, and consider all reasonable alternatives before closure. *See, Presley v. Georgia*, 558 U.S. 209, 214 (2010)

(holding that it is “incumbent upon [the trial court] to consider all reasonable alternatives to closure”).

Given that the trial has ended, there is no legitimate concern with jury tampering. A criminal trial is a public proceeding and the public has a right to observe how the jury was selected on this matter.

For the foregoing reasons, the Enquirer respectfully requests this Court to grant its request to unseal the transcript of the voir dire.

Respectfully submitted,

/s/ John C. Greiner
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed with the Court's CM/ECF System this 18th day of July 2022, which provides electronic notice to all parties.

/s/ John C. Greiner
John C. Greiner (0005551)